



The Teflon effect of political power: When criminal charges do not stick

Katharina Michaelowa, Sitakanta Panda, Nicolas Martin

CIS Working Paper No. 103

December 2019

The Teflon effect of political power: When criminal charges do not stick

Katharina Michaelowa,
University of Zurich
katja.michaelowa@pw.uzh.ch

Sitakanta Panda
Indian Institute of Technology Bhilai
sitakanta764@gmail.com

Nicolas Martin
University of Zurich
nicolas.martin@aoi.uzh.ch

Abstract

This paper examines the effect of political power on the risk of legal prosecution. We focus on the case of India for which the most comprehensive data are available. Over 40% of India's legislators face criminal charges. However, ethnographic evidence suggests that those who get the charges, are not necessarily the actual criminals. Rather, criminal charges seem to be endogenous to political power. We test this hypothesis on the basis of a dataset of winning candidates and their closest competitors in the 2009 national election and follow the development of their charges over five years until the next election. Our results reveal that political power indeed matters, and suggest a variety of channels for this effect. Incumbency power of MPs is particularly relevant in southern states. Using a regression discontinuity design, we show that until the 2014 election, incumbents cumulate on average two charges less than those politicians that narrowly lost the election. In other states, incumbency advantages appear to be outweighed by other political factors such as alignment with the ruling party. Across the whole country, affiliation with a strong national or state party (as opposed to independent or unrecognized local parties) reduces criminal charges.

These results reveal a serious and systematic governance problem. They also reveal that caution is required when interpreting reported criminal charges at the level of individual politicians. A better understanding of who are the actual criminals is required to solve the problems induced by criminality in office.

Keywords: Incumbency, political power, criminality, corruption, India

Acknowledgements: We thank Victor Araújo, Luna Bellani, Daniele Caramani, Paula Castro, Tarik Abou-Chadi, Katja Kaufmann, Philipp Kerler, Paola Profeta, and Marco Steenbergen for all their thoughtful comments and ideas that have considerably helped us to improve this paper, and also Sofie Heintz for her research assistance.

1. Introduction

The legal prosecution of government opponents is a common feature of politics in many countries. Famous examples include former heads of state such as Prime Minister Nawaz Sharif in Pakistan, President Mohammed Morsi in Egypt, Prime Minister Khaleda Zia in Bangladesh, President Lula da Silva in Brazil, and Prime Minister Yulia Tymoshenko in Ukraine—all imprisoned when out of power. While only the most prominent cases attract international attention, similar evidence exists for politicians at all levels of government. Oftentimes, they can avoid criminal charges and convictions while in power, but get prosecuted once they lose the grip over government and national leadership. This seems to be true even when there are no formal immunity rules protecting the powerful against legal prosecution.

This suggests that political power directly affects legal action. Criminal charges may not “stick” to the powerful. Is there thus a systematic “Teflon effect” of political power that protects incumbents and/or members of important parties against criminal charges?

Indeed, in a position of power, politicians may be able to get rid of criminal charges more easily. In addition, they may be able to avoid such charges in the first place. Furthermore, political power may enable them to pursue the criminal prosecution of their less powerful opponents—based on charges that may be fabricated as much as real.

In this paper, we set out to examine the Teflon effect through the example of India, which is—to the best of our knowledge—the only country in which systematic information on politicians’ criminal charges is publicly available. Criminality among Indian politicians is a huge concern. Charges against active politicians are high and continue to increase. In 2019, as many as 43% of the legislators elected to India’s national parliament (Lok Sabha) had criminal cases pending against them; for 29% these were serious charges, such as for (attempted) murder, assault or theft (ADR 2019a). If there is a Teflon effect of political power, then some of these charges may be fabricated, but many actual crimes may also be missing from the account.

Initial empirical evidence that points to the existence of a Teflon effect has already been provided by the ethnographic literature. Indeed a number of case studies—mostly regarding local elections—demonstrate that criminal charges can be politically motivated and that political power can shield politicians from charges, whether fabricated or real (Wade 1985, 1988, Brass 1997, Chandra 2004, Jaffrelot 2002, Martin and Michelutti 2017).

In our paper, we build on this literature and analyse whether these individual cases are part of a broader phenomenon. Is there a systematic relationship between political power and the accumulation of criminal charges? We examine this question econometrically based on data for the candidates to the 2009 and 2014 Lok Sabha elections, taking into account different possible channels through which the Teflon effect may become effective. To eliminate the influence of confounding factors on the estimation, we focus on constituencies with close elections and a comparison between Members of Parliament (MPs) who narrowly won and competing candidates who narrowly lost. Our main analysis uses a regression discontinuity design (RDD) and tests the effect of individual incumbency power on the accumulation of charges between the two election years.

Our results reveal that political power indeed matters in a strong and systematic way. Incumbency power of MPs is particularly relevant in southern states. We show that between 2009 and 2014,

incumbents cumulate on average two charges less than their competitors who barely lost the election. In other states, incumbency advantages appear to be outweighed by other political factors such as the alignment of the candidate with the state's ruling party. Across the whole country, affiliation with a strong party (i.e., with a national or state party as opposed to an unrecognized local party, and as opposed to being an independent candidate) reduces criminal charges.

Other work carried out in parallel to ours complements these results by focusing on members of the states' legislative assemblies (MLAs) and the importance of their affiliation with the state ruling party in combination with incumbency (Poblete-Cazenave 2019). While we also look at the accumulation of new charges, Poblete-Cazenave focuses only on the dismissal of charges so that the analysis is not directly comparable. Yet, in his setting as much as in ours, the effect of political power is demonstrated very clearly.

All in all, these results reveal a serious and systematic governance problem regarding the legal prosecution of powerful politicians at all levels, from local to national. They also reveal that caution is required when interpreting reported criminal charges for individual politicians.

Our results contribute to different strands of the existing literature. First, they directly relate to scholarly work on the deficiencies and biases of the police and the legal system that have been demonstrated even for many economically advanced countries like the United States, Japan or Switzerland (e.g., Nyhan and Rehavi 2017, Ramseyer and Rasmusen 2001, Spirig 2018). In developing countries such as India, the police and the judicial system are often described as notoriously slow and corrupt (e.g., Eckert 2014, Berti 2010, Wade 1985, 1988).

Second, our results contribute to the literature on incumbency advantage. While this literature usually looks at the advantage when rerunning for office, we examine the advantage with respect to legal prosecution. As opposed to Western democracies, incumbents in developing countries and some Eastern European countries seem to face a disadvantage rather than an advantage for reelection (e.g., Uppal 2009 for India, Klašnja 2015 for Romania, Klašnja and Titunik 2017 as well as Araújo et al. 2019 for Brazil, Bochsler and Hänni 2019 for cross-country comparisons). Our study shows that in terms of legal prosecution, however, they may still benefit from an incumbency advantage.

Third, our broader analysis, which also includes an assessment of the power of national and state parties, can provide a test for the role of political-party aggregation as discussed in the comparative literature on the nationalization of electoral politics (e.g., Caramani 2004, 2015, Chhibber and Kollman 2004, Lublin 2017), notably where this literature relates to incentives for candidates (e.g., Chhibber et al. 2014, Bochsler and Bernauer 2014).

In addition, our results have important implications for two strands of the literature focusing on criminality among politicians in India. In particular, our work suggests a new solution to the much-debated puzzle regarding why Indians (seemingly) prefer criminal politicians at the polls (ADR 2019a,b). While the intimidation of voters (e.g., Aidt et al. 2011), voter's preference for strongmen (e.g., Vaishnav 2017, Martin and Michelutti 2017), and lack of information among voters (Banerjee et al. 2014, George et al. 2018) are clearly relevant in certain cases, this may not be true in many others. When voters elect politicians with criminal charges, they may actually elect those that are less criminal. If there is a Teflon effect of political power, criminal charges are no reliable indicator of

criminality. In fact, on average, voter knowledge and local experience may guide them better than the official documentation they can access on candidates before elections. Furthermore even if voters do not care about criminality, anti-incumbency together with the Teflon effect could explain their seeming preference for criminal politicians.

Finally, the existence of a Teflon effect and the systematic measurement error in the publicly available data on criminality among politicians may also have implications for studies that assess the effect of criminality on social and economic development in the constituency (Chemin 2012, Gehring et al. 2019, Prakash et al. 2019). The more complex channels of the Teflon effect (such as potentially relevant interactions of party and incumbency power) may affect the interpretation of the results even for studies with sophisticated empirical identification strategies.

2. How political power can affect criminal charges

To discuss how political power can affect criminal charges, we first need to clarify the basics of the political system in the country we study, as well as the nature of the politicians' criminal charges on which information is available.

2.1. The Indian political system

As a union of 28 states and 9 union territories,¹ India has a federal government structure made up of national and state-level legislatures based on a first-past-the-post (plurality-rule) election system. At the central government level, the Members of Parliament (MPs) are elected to the Lok Sabha representing single-member parliamentary constituencies. In the same way, at state level, the Members of Legislative Assembly (MLAs) are elected to the respective state's Vidhan Sabha. The executive head of the national government is the Prime Minister (PM) who leads the party (or coalition) that commands the majority among the Lok Sabha members. In a similar process, the state's chief political executive (Chief Minister, CM) is selected.² Elected politicians (up to the level of the PM) do not benefit from any formal immunity against legal prosecution.

A large part of the resources are under the responsibility of the state governments, which also commands over a large part of the bureaucracy. This does not include any authority over the judicial system, which is independent from executive power, but it does include authority over the police. The command over financial resources, the bureaucracy, and notably the police provides considerable power to the CMs and the state ruling parties.

It should be noted, however, that not all Indian states have their own governments. When the state government loses majority support in the Vidhan Sabha in a no-confidence motion, the state legislative assembly can be dissolved and the state placed under President's rule. In this case, the relevant resources come under the command of the central government. The same is true for the majority of the union territories, most of which do not have their own legislative assemblies.

¹ As we are writing, Jammu and Kashmir is being divided into two new union territories.

² For more details on the Indian political system, see, e.g., Panda (2019).

Since many politicians seem to consider elections primarily as a way for the appropriation of the relevant public resources—that can then be used to the selective (private) benefits of the followers of the winning party—the Indian political system has also been characterized as a ‘patronage democracy’ (Chandra 2004).

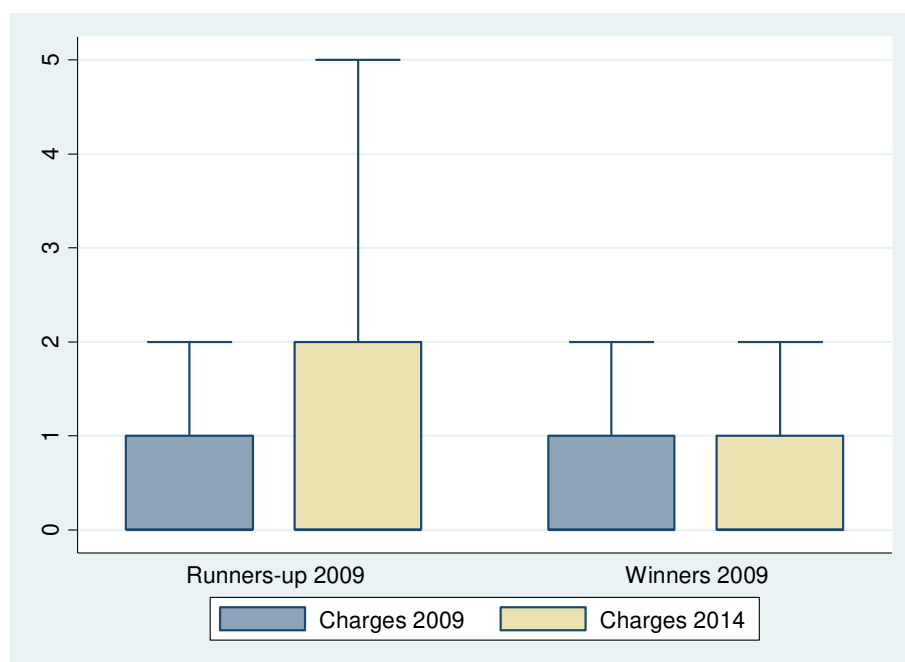
2.2. Information on criminal charges

Chandra (2004, 2013) holds that the patronage democracy breeds criminal politicians. To conquer the relevant state resources, parties encourage strongmen who use any means to win their constituencies (see also Vaishnav 2017). Since the early 2000s in particular, there was a growing sense that criminality was spreading among political candidates, and the Supreme Court of India ruled that corresponding allegations should be made transparent before elections. This is the information available to us and other authors as an indicator of criminality among Indian politicians.

Let us first emphasize that the criminal charges which political candidates must publicly report since 2002 are not convictions. Typically, the first step in a criminal justice procedure is the filing of a First Information Report (FIR) with the police. In theory anyone can place an FIR against someone at a local police station alleging a crime. The next step is for the police to conduct a preliminary investigation in order to determine whether there is sufficient evidence of wrongdoing. If the police finds credible evidence, a charge sheet is drawn up against the alleged perpetrator and, if prosecutors concur, the police charges are submitted to the relevant court. It is only once the criminal court has ‘taken cognizance’ and ‘framed charges’ against the defendant that the candidates have to produce affidavits informing the public of charges against them. Furthermore, charges need to be reported only if the criminal offense is punishable by at least two years of imprisonment (cf. Supreme Court of India 2003). The data on charges that are publicly available thus refer to non-trivial offenses for which charges have already been framed by the relevant court.

Figure 1 provides some initial empirical evidence how the level of criminal charges has evolved between the 2009 and the 2014 Lok Sabha elections for politicians who competed in both years. The graph distinguishes between those politicians who won the 2009 election and were hence in power during the period of observation, and those politicians who were runners-up, i.e., came second in the 2009 election. While there clearly is some variation—with some politicians accumulating new charges and others being discharged—on average, there is no change in the level of charges for the incumbents. In contrast, for the average runner-up the number of charges has been rising. At the 75th percentile, the number of charges for the winners remains at 1, but increases from 1 to 2 for the runners-up. As there is no reason to believe that incumbents systematically follow less criminal activities than runners-up, this suggests that the charges themselves may be affected by political power. Can political power shield politicians from criminal charges? Is there a Teflon effect of political power?

Figure 1: The development of charges for active politicians, 2009-2014



Notes: Boxplots based on the full set of politicians active over the period 2009-2014 as presented in Table 1. The boxes in a boxplot include values from the 25th to the 75th percentile of the distribution. Values beyond the upper line are more than 1.5x the size of the box higher than the value at the 75th percentile. Such outside values are excluded from the presentation here. There are a few extreme outliers with individual charges amounting to almost 50 charges.

2.3. *The Teflon effect of political power*

There are different ways in which political power can influence police charges. Political power can affect both the take-up of new charges, and the wipeout of existing ones. First, police officers may be reluctant to file complaints against powerful politicians for fear of hampering their career prospects or of losing political patronage. This means that people who have committed crimes may avoid charges. Second, incumbent politicians may exert pressure on police officers in order for them to file charges against opposition politicians. This means that people may be framed for crimes they have not committed. There can also be a combination of these two effects where an innocent person filing a complaint ends up being the one against whom the charges are framed. Third, the police may drop charges if it becomes clear that the politician can count on support by powerful people at higher levels. In particular, this may happen if the accused politician has the backing of the ruling party in the state.

The Indian media has presented ample evidence for the last channel, which is generally the most visible. As the police works under the authority of the state government, the latter exploits this authority and provides the order to discharge their aligned candidates. According to the headlines in Indian newspapers, new state governments tend to free 'their' politicians from political charges directly when they come into office (e.g., India Today 2017, Indian Express 2018, The Economic Times 2015). This has happened to some extent in many states (see Chhokar 2018), although—arguably—only at a more limited scale in southern states, which generally fare much better on a variety of governance indicators. A prominent example for government interference with the police is the state

of Uttar Pradesh, where the Bharatiya Janata Party (BJP) came to power in 2017, and one of the first actions taken by the new Chief Minister Yogi Adityanath was to order the withdrawal of as many as 20 000 criminal cases—including those against himself (India Today 2017). Ironically or not, the very argument he used in the Vidhan Sabha to justify this step, was that all these cases were politically motivated in the first place.

Dropping charges due to the support by state ruling parties has also been in the center of extant case studies (e.g., Chandra 2013) and of the study by Poblete-Cazenave (2019). But it cannot explain the rise in charges against runners-up we observe in Figure 1 above.

Fieldwork based studies, however, go beyond a single explanation and also provide evidence for the other channels. In two by now classic papers, Wade (1982, 1985) illustrates how politicians can generally exert pressure on top officials—including police officers—in order to make them act according to their dictates. They exert pressure through the power that they wield over transfers and promotions. Officials who please powerful politicians obtain transfers to desirable locations and get promoted, whereas those who do not, tend to get transferred to undesirable locations, and have difficulties to advance in their careers (see also Iyer and Mani 2012, Rivera forthcoming). The threat of a transfer to a less preferable location is not to be underestimated. Government officials often do not want to be transferred to remote locations with poor amenities, particularly when they have families and want their children to go to good schools. This means that they may feel compelled to act according to the dictates of powerful politicians, even if they are uncomfortable about doing so.

Such activities to the benefit of powerful politicians may include the illegal charging of fees for services that are officially free—including the service to file a police complaint. Police officers keep a share of the proceeds, but are made to pass on a monthly lump sum to their political masters (see, e.g., Eckert 2014: 297f., Wade 1982, 1985).

The transfer and promotion mechanism also means that police officers frequently face party political pressures to harass rivals and protect loyalists. Such pressures often play out at the point when initial complaints are filed. Generally, the police tends to be reluctant to file FIRs because doing so automatically obliges them to initiate a preliminary investigation. However, police officers seem to overcome bureaucratic inertia when political power gets involved: according to Human Rights Watch (HRW 2009), officers often write FIRs under the pressure of powerful politicians seeking to harass rivals. When elections lead to a change in power, the police may, in turn, face political pressure to stop investigations against newly elected politicians, even if the original complaints appear legitimate.

With a more specific focus on ethnic politics, Chandra (2004, 2013) also shows that the police responds to the orders of ruling party politicians, and leaves those who did not vote for the ruling party—and who belong to the ‘wrong ethnicity’—unprotected and at the mercy of the ‘ethnic party’ in power. Furthermore, Brass (1997, 2006) demonstrates how episodes of communal violence are facilitated by police forces that either turn a blind eye to cases where—for example—Hindu nationalists attack Muslims, or who even actively participate in the violence and then place charges against the victims. His broader argument is that communal riots in India are not spontaneous outbreaks of violence fueled by primordial animosities, but rather that they are actively planned and facilitated by politicians and the police for electoral gain.

Other authors confirm the evidence for cases in which the police permits or even encourages riots initiated by those in power. Jaffrelot (2002), for example, shows how the police protects thugs and hooligans to harass the incumbent's rivals and opponents during elections. In the headquarters of a sub-district in the Indian state of Punjab, where one of the authors of this paper conducted an ethnographic field study, one such gangster—let us call him Gurbachan—was known for running illegal gambling dens, for trafficking drugs, for violently capturing disputed properties, for capturing polling booths, and for violently assaulting opposition Congress Party workers. Despite all of this, local court lawyers reported that Gurbachan did not have a single police charge against him ever since the Shiromani Akali Dal (SAD) had come to power at state level.

When the Panchayat Samiti (committee of village councils or block) elections of 2013 were held in Gurbachan's home village, the police just stood by as he and other Akalis barred Congress Party opponents from entering the village polling station (Martin and Michelutti 2017). Congress party supporters stood outside, as Gurbachan and his friends generously fed the polling officers in an attempt to ensure that these would overlook electoral irregularities. When the Congress Party workers eventually decided to protest, Gurbachan and his friends chased them away with sticks and Sikh ceremonial swords. People on both sides were injured, but the Congress party workers bore the brunt of the violence. Some among the latter were badly injured, and had to be hospitalized. Not only did the police do nothing to stop the violence, but it also placed completely spurious attempted murder charges against the Congress Party workers.

2.4. Additional theoretical considerations

The evidence presented above provides a strong case for the reality of the Teflon effect of political power, and the variety of potential channels through which it may work. Political power seems to reflect primarily what the sociological literature refers to as 'reward power' and 'coercive power' (Raven 2008), which plays out in the relationship between politicians and the police. Political power can become effective, either through the support by powerful parties or through the politician's own incumbency. The power of parties may in turn come from current governing power (notably at the state level) or from a large network within and across states.

The latter corresponds to predictions of the comparative literature on the nationalization of electoral politics (for India see, e.g., Chhibber and Kollman 2004, Chhibber et al. 2014). This literature points to the incentives for individual candidates, especially in single-member plurality systems, to coordinate across electoral districts through parties that deliver campaign benefits as well as organizational, financial and legal support. Given the size of the country and the federal structure providing substantial power to the state, we consider that in India, many of the networking benefits of party 'nationalization' can already be reaped at the state level. We thus follow Diwakar (2010) and consider the relevance of party aggregation at the sub-national level.³ This implies that the power of politicians affiliated with recognized national or state parties should generally be greater than the power of independent candidates or candidates belonging to local parties.

³ From this perspective, party nationalization in India already refers to a second hierarchical level and could be compared to 'Europeanization' (Caramani 2015) in the Western context.

Finally, the literature suggests a specific role of dynastic politicians. Chhibber (2011) shows that family ties among politicians can fill the gap where party organization does not provide the relevant networking benefits, especially in developing countries. Indeed family ties among politicians create alternative and/or complementary networks, which the individual candidates can rely on (Chandra and Umaira 2011, Panda 2017). This might also increase their power, independently of incumbency and party affiliation, and thus have an effect on their criminal charges.

3. Econometric analysis

The objective of our paper and its main contribution to the literature is now to proceed with a systematic assessment of the Teflon effect and the different possible channels discussed above. For this purpose, we build a dataset including all politicians active during the period 2009-2014, who ran in close elections for a seat in the Lok Sabha in 2009, and who were either narrowly elected, or close to winning (narrowly losing). Focusing on close elections is important to avoid endogeneity driven by the fact that the same factors that determine electoral results may also affect the incidence of criminal charges. Given the set of politicians, whose own political power is as good as random, we examine how their criminal charges evolve between the 2009 and the 2014 elections, and which political factors affect this development.

We will first briefly present the available data and then move to the econometric analysis. Using multivariate regressions we will consider the different channels of the Teflon effect, and then further deepen the analysis based on an RDD for the specific channel related to incumbency, where this kind of quasi-experimental analysis is feasible. Finally, we will present a series of robustness tests.

3.1. Data

Table 1 presents the population of national politicians who came first or second in the 2009 Lok Sabha elections, and who remained active during the period 2009-2014, as evidenced by their renewed candidature for an MP position in the 2014 election. Data are obtained from the Election Commission of India (ECI 2009a,b, and 2014b). The last row shows that the overall number of politicians covered is 550, spread over all 36 states and union territories. However, in many cases the difference in the percentage of votes obtained by the winner and the runner-up is quite considerable. The upper rows of the table show how the number of observation shrinks if we focus on close elections. At a winning margin $\leq 5\%$ we retain 207 observations in constituencies from 24 states, which seems a reasonable compromise between the number of observations and the required closeness of the election. We will hence use this sample for the regression analysis we present in the main body of the text below.

It should be noted that the winners are somewhat over-represented in the sample (see Table 1, Column 3) because winners tend to represent themselves as candidates again, at the end of their term, more often than losers. This is a well-known problem that plagues the empirical literature on electoral incumbency advantages (Magalhães 2015). In our case, it might give raise to an endogeneity problem in case political power affects selection into the sample differently for people with more or less criminal charges. While we do not consider that this is particularly plausible, we will come back to the discussion in Section 3.4.

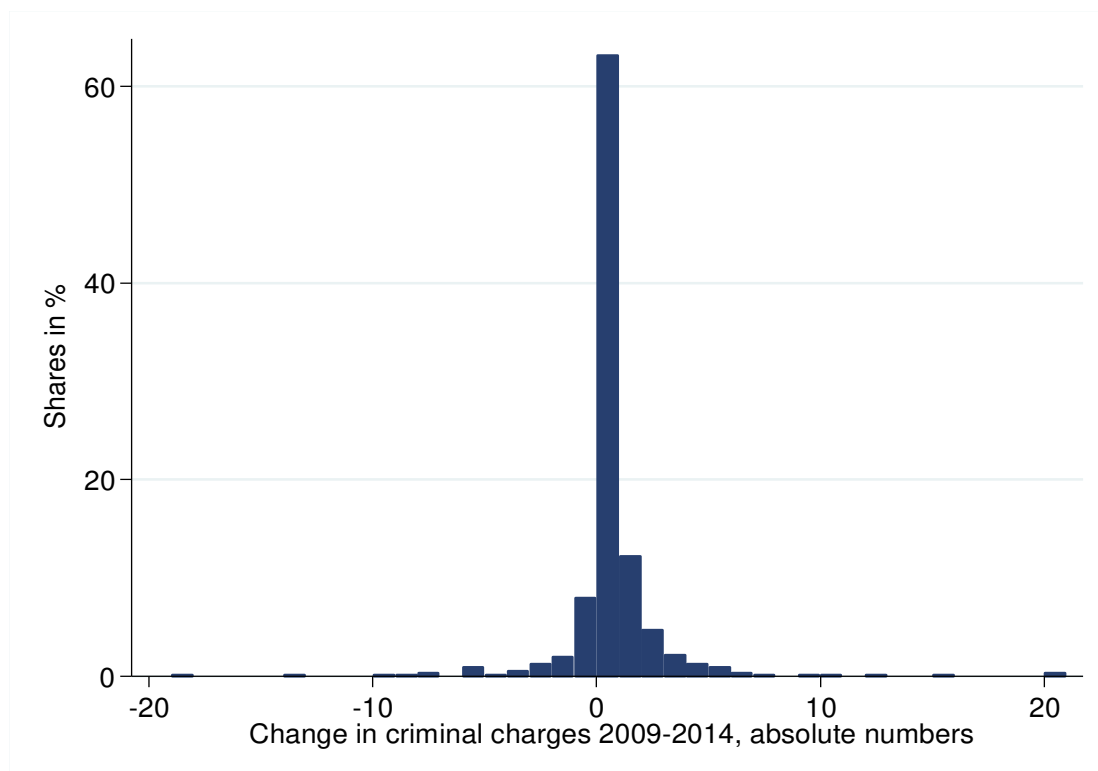
Table 1: Winner and runner-up in Lok Sabha elections 2009, for candidates competing again in 2014

Number of candidates	Number of states and union territories	% of winners	Sample restriction
38	14	60.5	Winning margin $\leq 1\%$
207	24	65.2	Winning margin $\leq 5\%$
365	26	67.7	Winning margin $\leq 10\%$
550	36	71.5	All available data

Notes: The sample contains a higher share of winners because they more frequently run for a second time. The current number of MPs in the Lok Sabha is 543. Hence, over 70% are included in our sample.

The dependent variable in our econometric analysis is the development of criminal charges over the five-year period between the two elections. As discussed above, this corresponds to the net increase in charges (new charges – charges that have been dropped). Coding the change requires identifying the politician twice, and taking the difference between the charges reported on the 2009 and the 2014 affidavit respectively. Since names are not always written in an identical way, and some candidates do not present themselves in the same constituency in the two elections, we proceeded with matching considering additional auxiliary criteria such as gender, age, education and party affiliation, with different weights using the Stata command “reclink” (Blasnik 2010). Imprecise matches are double-checked by reviewing press articles and relevant websites.

Figure 2 presents the distribution of the change in criminal charges for the whole sample. While over 60% of the politicians show no change in net charges (i.e., no new charges, no charges wiped off, or both exactly balancing each other), some individual politicians get close to about 20 charges or discharges. This is rare, however, and the change is mostly around one or two.

Figure 2: Distribution of charges and discharges

Now—as explained above—the purpose of this paper is to examine whether political power matters for this change in the number of criminal charges, which should normally be determined by an independent police and judiciary and hence not be affected by such political power. We have already discussed ample evidence contradicting this ideal situation in the Indian context. We now need to specify the relevant indicators for political power. As we have seen that there may be multiple channels for political power to matter, we will use different indicators to explore as many of these channels as possible given the available data.

The most obvious indicator of political power is incumbency. A politician who wins the seat as an MP in his or her constituency becomes a relevant authority able to provide benefits, but also, to generate trouble for non-cooperative police officers.

A second potentially relevant indicator suggested by much of the work cited above is alignment with the state’s ruling party. We code the candidate’s alignment with the state ruling party as belonging to the Chief Minister (CM)’s party (and to the national ruling party if there is no Chief Minister like in some union territories or when the state is under President’s rule).

In addition, the literature discussed above suggests that parties with a large coverage, power in many areas of the country, and an associated network might exert some power even if they are (currently) not ruling the specific state. As a third indicator of power, we thus consider whether a politician is a member of a recognized national or state party, as opposed to being either a member of a registered but unrecognized party or being an independent candidate. According to ECI (2014a) at the 2014 Lok Sabha election, the competing candidates came from six national parties,⁴ 39 state parties, 419 registered unrecognized parties, and over 100 ‘free symbols’ (independents). Within our sample of winners and runners-up, a large majority (94%) belongs to recognized national and state parties (Appendix, Table A1).

Finally, we consider that a politician may draw his or her influence from a family network of other powerful politicians. We thus code a dummy variable for dynastic politicians. We code a politician as ‘dynastic’ if he or she has a least one family member or other relative who was in executive or legislative office at the national or the state level (MP, MLA, Member of Legislative Council in a state’s lower house, or minister) any time before 2014. Overall, about one third of the candidates in our sample are dynastic (Appendix, Table A1).

In addition, we use some control variables including personal information on the candidates (such as age, gender, wealth and social status—notably whether they belong to scheduled castes (SC) or scheduled tribes (ST)—as available from the candidates’ affidavits. We further include general state-level information such as the state illiteracy rates and judiciary speed as measured by the case disposal rate. Both of these variables reflect the quality of state-level governance, which might be relevant to absorb variance in charges that is unrelated to political power. All variables are described in terms of descriptive statistics, definitions and sources in the Appendix, Table A1.

⁴ National parties are: Indian National Congress (INC), BJP, Bahujan Samaj Party (BSP), Communist Party of India (CPI), Communist Party of India (Marxists) (CPIM), and Nationalist Congress Party (NCP). For details on the party classification, see ECI (2017).

3.2. Regression results

Table 2 shows a first set of regressions including all four explanatory variables explained above. Columns 1 and 2 present results without control variables. Column 1 includes information for all winners and runners-up in close elections with a winning margin of no more than 5%, Column 2 presents results after exclusion of six extreme outliers in terms of the number of charges added or reduced. Column 3 adds control variables and Column 4 further adds state fixed effects (not shown).

Two of the four variables related to political power show a clear relationship to the number of charges. The first is incumbency, which leads to about 0.5 charges less on average. Only the extreme cases seem to be driven by other mechanisms and render the relationship insignificant when included (Column 1). This suggests that candidates winning the MP seats in their constituencies indeed puts them in a position of power in which they can influence the police and related legal processes. This provides an initial confirmation for the existence of a systematic Teflon effect.

Table 2: Simple regressions with potentially relevant political variables

Dependent variable: Change in charges 2009-2014	1	2	3	4
Won election in 2009	-0.33 [0.57]	-0.52** [0.05]	-0.52* [0.06]	-0.59* [0.08]
Alignment with CM's party in 2009	0.02 [0.97]	0.00 [1.00]	0.05 [0.84]	0.11 [0.70]
Affiliation to national or state party	-1.51** [0.02]	-1.56*** [0.01]	-1.57*** [0.01]	-1.47** [0.03]
Dynastic politician	0.30 [0.42]	0.43* [0.07]	0.39 [0.16]	0.48 [0.15]
Candidate male			0.24 [0.28]	0.21 [0.47]
Candidate's age			-0.00 [0.77]	-0.01 [0.68]
SC/ST			-0.08 [0.77]	0.01 [0.96]
Candidate's net wealth (million INR)			0.00 [0.76]	0.00 [0.75]
State disposal rate			-0.39 [0.49]	-0.58 [0.35]
State illiteracy rate (in%)			0.03 [0.21]	0.01 [0.67]
Constant	1.81*** [0.00]	1.88*** [0.00]	1.30 [0.25]	1.91 [0.10]
N	207	201	197	197
R-squared	0.01	0.07	0.09	0.11

Notes: OLS regressions for candidates in close elections (winning margin $\leq 5\%$), Column 1: baseline, Column 2 excludes outliers (1% with highest increase, i.e., ≥ 10 additional charges, and 1% with highest decrease in charges, i.e., ≥ 9 reduced charges), Column 3 adds control variables and Column 4 adds state fixed effects (not shown). Robust standard errors clustered by constituency. *** $p < 0.01$, ** $p < 0.05$, * $p < 0.1$ (p-values in brackets).

The second variable that is significant throughout is the politicians' affiliation with a recognized state or national party. Candidates affiliated with such parties on average receive a considerable 1.5 charges less than their peers affiliated with unrecognized parties or running as independent candidates. This provides additional confirmation for the existence of a systematic Teflon effect and shows that it also works through the channel of the size and reach of political parties. It suggests that strong parties can indeed yield substantial protection against charges and/or support charges against opposing candidates without such support. This confirms the benefits of affiliation predicted by the comparative literature on the nationalization of electoral politics.

Somewhat surprisingly, we do not find any evidence for the other party-related mechanism in our data, namely for the relevance of a politician's alignment with the state's ruling party. It should be noted, however, that our data are not ideal for the detection of this specific effect given that the election of state governments does not coincide with the start of our period of observation. According to the articles in the Indian press discussed above, state governments tend to free 'their' politicians from political charges directly when they come into office. Hence a candidate running for the position of an MP in the 2009 election and affiliated with the state's ruling party should have already benefited from this support before the period we observe even begins. What our results show is only that, between 2009 and 2014, this mechanism does not contribute to further net reductions of criminal charges. Poblete-Cazenave (2019), who examines changes between state elections, does find convincing statistical evidence that winners from state ruling parties are more likely than politicians from other parties to get their pending criminal cases disposed of without conviction. In addition, it might be that state ruling parties care more for the politicians active in the state legislative assemblies, i.e., the MLAs, than for those in national parliament, i.e., MPs that we consider here.

We finally observe that political dynasty does not seem to protect from criminal charges, and that none of the control variables are significant.

Table A2 in the Appendix shows that the results are robust to some variation in the restrictions related to the closeness of the election. The incumbency effect is somewhat smaller, but remains significant even in the full sample, which shows that unobservable differences between winners and runners-up do not substantially affect the results in the larger sample. The incumbency effect is insignificant only in the smallest sample (winning margin $\leq 3\%$), but the size of the coefficient hardly changes, so that this merely reflects a lack of precision. The effect of affiliation with a national or state party is strong and significant even in the smallest sample. In contrast, unobservable differences between winners and runners-up that differ substantially in their electoral outcomes seem to blur the effect in the full sample. Hence, restricting the analysis to close elections is important here.

The Appendix also provides evidence that the effects on the channels are not a result of multicollinearity (Table A3). When each of the explanatory variables is entered individually in the regressions, the above results remain intact: both the incumbency effect and the party affiliation effect are significantly related to a reduction in criminal charges.

To further explore the mechanisms of the Teflon effect, we will now examine whether there are complementarities or substitution effects between the relevant political variables. Do incumbency power and the affiliation with a strong party reinforce each other? Or does the presence of one type of power reduce the relevance of the other? That is, does protection by a strong party matter only

as long as a politician does not have personal power as an incumbent—or reversely, is incumbency less relevant once a politician is affiliated with a strong party?

In addition, we will examine whether the Teflon effect is affected by regional differences. While the better governance in southern states does not directly affect the number of charges (see Table 2 where the controls for governance remain insignificant), it may affect how much the legal system and the police can be influenced by powerful politicians and powerful parties. Media reports as well as descriptive evidence in our own data suggest that politicians in the southern states can count less on support by the state's ruling party to wipe off their charges. Indeed, looking at the cases of dismissed charges when alignment with the state ruling party changes from non-aligned to aligned during our period of observation (due to newly elected state governments or a change in the politician's party affiliation), among the non-incumbents, only one out of eight is from a southern state. This might imply that these southern politicians have to rely more on their own power as an elected MP to get rid of charges against them. This would in turn imply that incumbency power should be a more relevant mechanism to explain the Teflon effect in the southern states as compared to the other states.

Table 3 shows that while the interaction terms themselves are not significant, the incumbency effect appears to be much stronger when it refers only to members of unrecognized parties and independent candidates (cf. Columns 1 and 3) and to politicians from the southern states (cf. Columns 2 and 4). From about -0.5 in Table 2, the coefficient estimate of the winner dummy changes to -1.8 and -0.9 respectively. Whether or not outliers are excluded from the sample does not matter much anymore (they are still excluded here). This provides some evidence for heterogeneous treatment effects. Both cases confirm that the incumbency effect matters more when politicians cannot count on being rescued by their parties—either because they do not belong to a strong (i.e., national or state) political party or because the parties are more reluctant to interfere regarding criminal charges (which seems to be the case in southern states).

Tables A4 and A5 in the Appendix show the robustness of this finding to variations in the winning margin. While coefficient estimates are not always significant, they confirm the overall thrust of the argument: it seems that the two channels own incumbency power and party power can somewhat substitute for each other.

In sum, the regression analysis based on the winners and runners-up of the 2009 Lok Sabha election thus not only establishes the existence of a systematic Teflon effect, but also confirms two of the suggested channels, namely the incumbency effect and the effect of the affiliation with national or state parties. Examining close elections is important, in particular to detect the latter. Furthermore, our results suggest that support by powerful parties may substitute for own incumbency power.

Table 3: Heterogeneous treatment effects

Dependent variable: Change in charges 2009-2014	1	2	3	4
Won election in 2009	-1.83*	-0.93*	-1.75	-0.91*
	[0.06]	[0.05]	[0.12]	[0.08]
Affiliation to national or state party	-2.15**		-2.00*	-1.42**
	[0.02]		[0.06]	[0.04]
Won election X National or state party	1.44		1.21	
	[0.14]		[0.30]	
Alignment with CM's party in 2009			0.10	0.14
			[0.73]	[0.61]
Dynastic politician			0.47	0.47
			[0.17]	[0.16]
Candidate male			0.18	0.27
			[0.53]	[0.38]
Candidate's age			-0.00	-0.01
			[0.73]	[0.64]
SC/ST			0.07	0.02
			[0.80]	[0.93]
Candidate's net wealth (in million INR)			0.00	0.00
			[0.87]	[0.79]
State disposal rate 2009			-0.58	-0.68
			[0.35]	[0.30]
State illiteracy rate (in%)			0.02	-0.02
			[0.61]	[0.57]
Non-southern state		-0.48		-0.71
		[0.34]		[0.31]
Won election X Non-southern state		0.55		0.42
		[0.32]		[0.47]
Constant	2.50***	0.86*	2.31*	3.25*
	[0.01]	[0.06]	[0.06]	[0.07]
Observations	201	201	197	197
R-squared	0.06	0.03	0.11	0.11

Notes: OLS regressions for candidates in close elections (winning margin $\leq 5\%$). Columns 3 and 4 reproduce Columns 1 and 2 while adding controls and state fixed effects. Outliers excluded as in Table 2, Columns 2-4. Robust standard errors clustered by constituency. *** $p < 0.01$, ** $p < 0.05$, * $p < 0.1$ (p-values in brackets).

3.3. RDD results

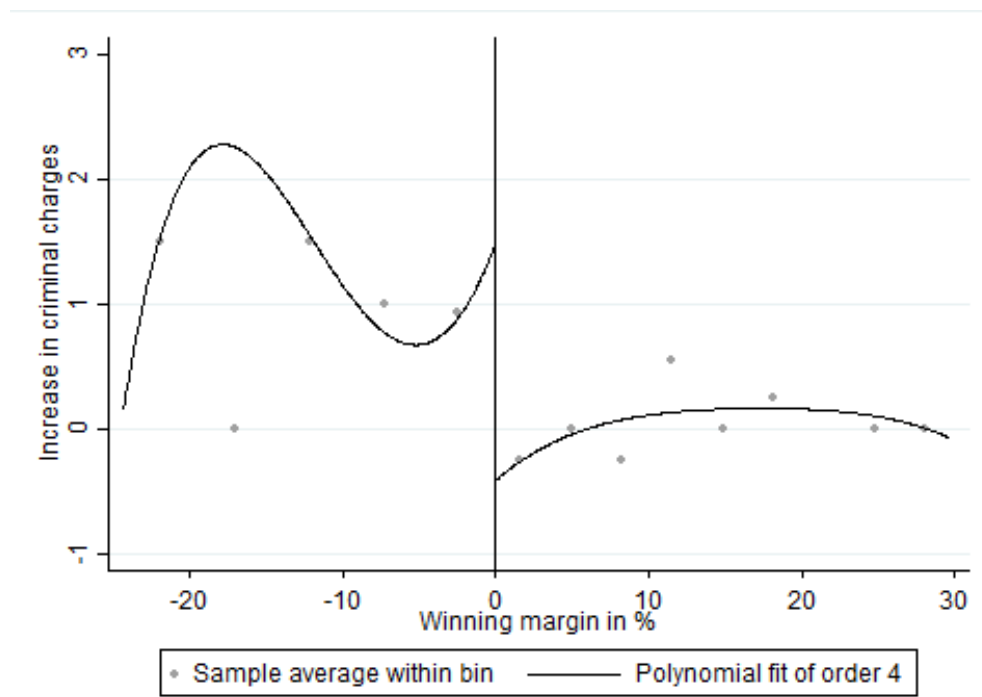
For readers not yet convinced about the causality underlying the above results, we can go one step further, and assess the systematic effect of political power on criminal charges in the quasi-experimental setting of an RDD. The RDD is statistically more convincing because it does not only rely on the quasi-random allocation of candidates into winners and runners-up in close elections, but also avoids the somewhat arbitrary parametric assumptions of regression models and the arbitrary choice of the maximum winning margin for the inclusion of candidates into the analysis.

The RD approach specifically suggests itself to test the incumbency channel, because testing the argument that incumbency power reduces the accumulation of criminal charges only requires a credible comparison of winners and losers. The RDD provides this comparison by extrapolating the development of criminal charges as a function of the winning margin towards the cutoff (winning margin $\rightarrow 0$) for both winners and runners-up.

In the following, we focus on southern states since the results of Table 3 suggest that this is where the incumbency effects should be more important, while the mechanism of party power may be dominant in other parts of the country. Alternatively, we could have focused only on independent candidates and members of non-recognized parties, but this would have reduced the sample too much for a meaningful statistical analysis.

The RDD results for the Teflon effect of incumbency power in southern states are presented in Figure 3. For the whole of India, the RDD estimates are also negative, but substantially smaller and not significant (not shown). For the southern states, the sample shrinks considerably, but the coefficients are still close to significant even without controls, and clearly significant when adding standard pre-treatment controls to improve the precision of the estimation (see Table 4). The control variables used are: gender, age, SC/ST, dynastic politician, party affiliation in 2009 with one of the two major parties BJP or Congress, number of criminal charges at the outset, and the disposal rate of judicial cases within the state.

Figure 3: RD plot for the effect of being the MP in power, southern states



Note: This figure corresponds to the estimates presented in Table 4, Column 1.

Table 4: RD estimations for the effect of being the MP in power, southern states

Dependent variable:		
Change in charges 2009-2014	1	2
Conventional	-1.70 [0.17]	-2.14** [0.01]
Bias-corrected	-2.00 [0.10]	-2.19** [0.01]
Robust	-2.00 [0.18]	-2.19** [0.02]
Observations	115	115

Notes: Column 1: RDD without any controls, Column 2 adding controls for precision. Random errors are clustered by constituency. *** $p < 0.01$, ** $p < 0.05$, * $p < 0.1$ (robust p-values in brackets).

Table 4 presents the output for three different types of the estimations (cf. Cattaneo et al. 2019a: 65-70). ‘Conventional’ refers to local linear regression used to estimate the coefficient. This conventional method leads to some bias, however, since the true curve is usually non-linear; and the bandwidth is selected not to eliminate bias (bias converges towards zero for very small bandwidth), but to find an optimal combination of bias and variance by minimizing the means squared error (MSE). In contrast, the ‘bias-corrected’ method correctly estimates the coefficients based on differences at the cutoff for a polynomial function. Finally, the ‘robust’ method uses the same bias-corrected coefficient estimates, but also adjusts the calculation of the standard errors to the fact that the bias correction itself is an estimation and introduces additional variance.

The robust estimation is obviously the most preferable approach as it provides unbiased estimates along with a coherent measure of standard errors. In the current case, which of the three methods is chosen, does not matter for the general interpretation, however. Clearly, we observe a strong Teflon effect of incumbency on criminal charges. Due to incumbency power, charges fall by more than two on average in southern states.

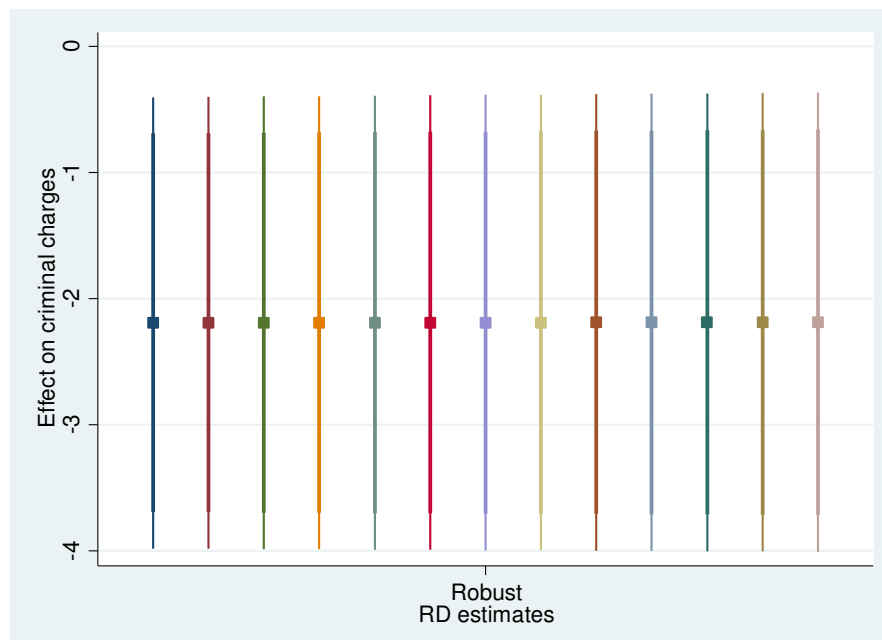
3.4. Validation and robustness tests

The quasi-random allocation of observations at the cutoff leads us to expect that close to the cutoff, the only difference between the politicians in our sample should be whether they won the election or not. This implies that other variables should not show a discontinuity at the cutoff. While this must be the case in expectation, it may still not be true in practice. Table 5 shows the corresponding test for each of the control variables used for the estimations in Table 4, Column 2. The results indicate that all controls are well balanced: the p-values are very large so that there is no reason to believe that any of the variables changes at the cutoff.

Table 5: Balance of covariates at cutoff

Variable	MSE - optimal bandwidth	RD estimator	$P > z $	Confidence Interval (95%)	Observations
Candidate male	10.085	0.215	0.338	[-0.225, 0.655]	115
Candidate's age	7.295	-7.368	0.377	[-23.70, 8.965]	115
SC/ST	7.828	-0.072	0.321	[-0.701, 0.557]	115
Dynastic politician	7.363	0.136	0.966	[-0.605, 0.632]	115
BJP	8.055	-0.269	0.861	[-0.328, 0.274]	115
INC	5.904	-0.164	0.680	[-0.944, 0.616]	115
Initial charges	7.404	1.256	0.547	[-2.826, 5.338]	115
State disposal rate	7.495	-0.005	0.966	[-0.222, 0.213]	115

We further examine whether the results of the regression discontinuity estimation are robust to changes in the bandwidth. To do so, we start with the MSE-optimal bandwidth used for the estimation presented in Table 4 ($h=3.793$) and then increase / decrease this bandwidth by steps of ± 0.01 . Figure 4 shows the robustness of the RD estimate: there is no major variation in the coefficient for these small changes in bandwidth.

Figure 4: Variation in bandwidth

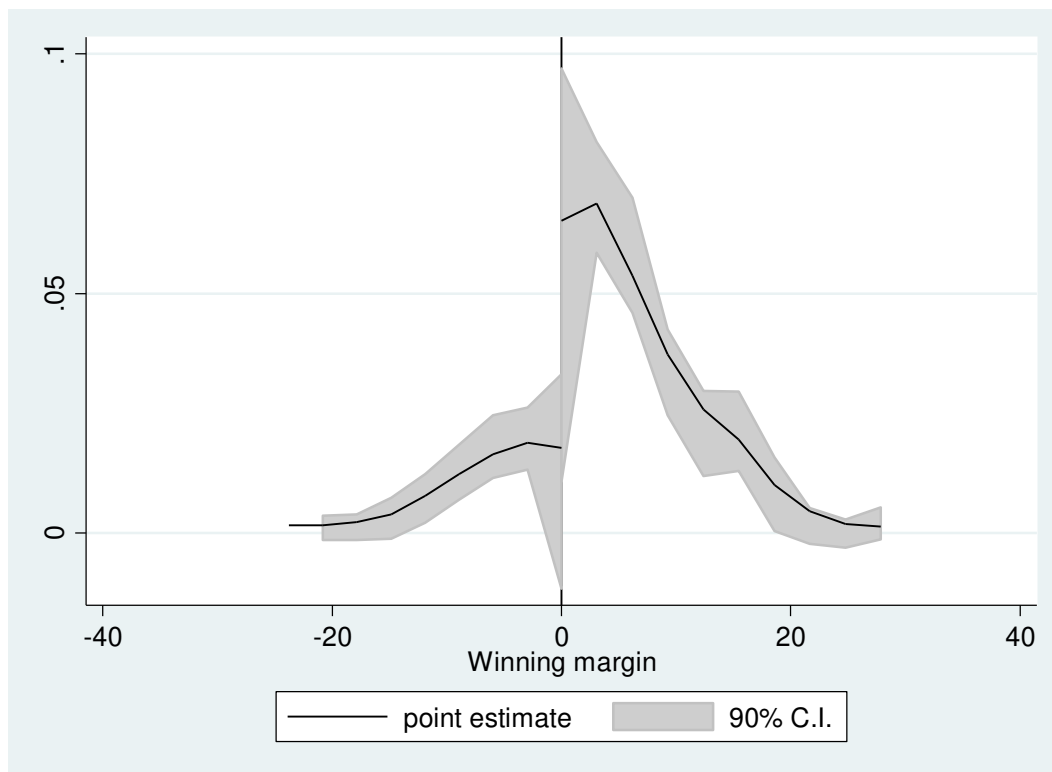
Notes: The MSE-optimized bandwidth is $h=3.793$ (plot in the middle). To the left and to the right, this bandwidth is decreased/increased by steps of ± 0.01 . C.I. at 90% and 95%.

Yet another concern, regularly examined in the context of RDDs, is self-sorting across the cutoff. In the context of elections, and notably when the exact share of votes necessary for winning depends on the shares of other candidates as in the Indian MP elections within a Lok Sabha constituency, a manipulation around the cutoff appears rather implausible. Correspondingly, manipulation testing using local-polynomial density estimation (Cattaneo et al. 2019b),⁵ the null hypothesis of no

⁵ This test is a local polynomial alternative to the original density test proposed by McCrary (2008).

difference in the density of treated and control observations at the cutoff cannot be rejected. However, at 16%, the p-value is relatively small, and a direct comparisons of winners and runners up in close elections with a winning margin $\leq 5\%$ yields a statistically significant difference between the two shares in a simple Bernouilli test (cf. Cattaneo et al. 2019a). In addition, a graphical inspection of the distribution of candidates in our sample suggests that there is a substantial jump of the distribution at the cutoff (see Figure 5).

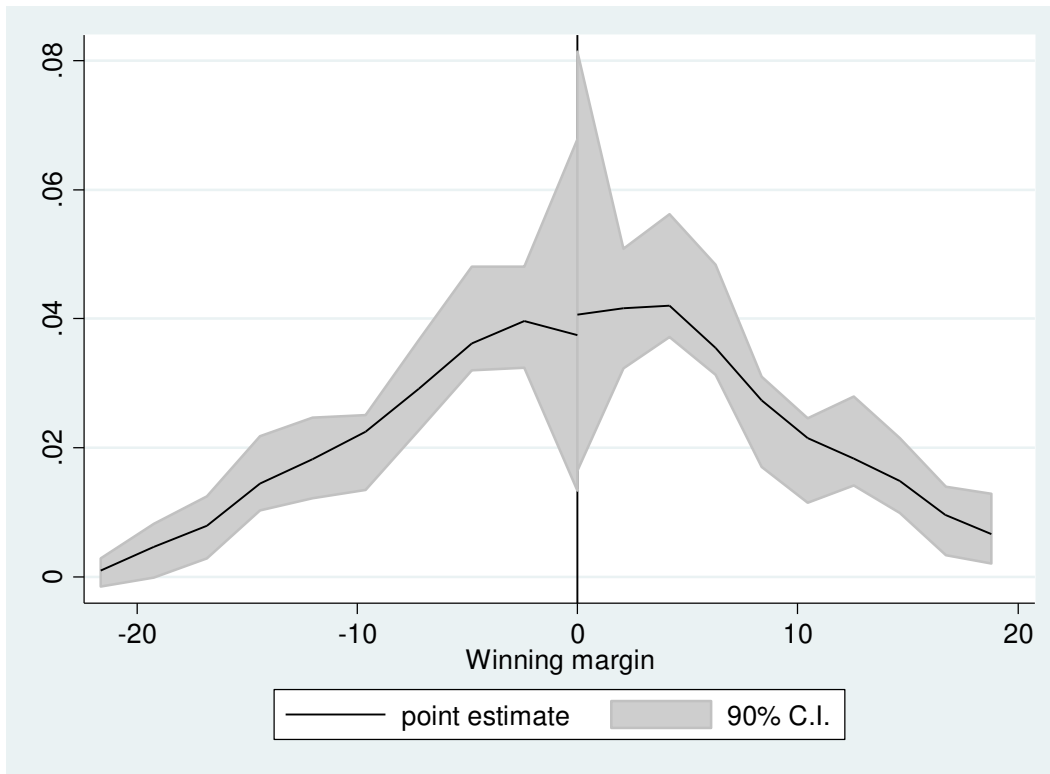
Figure 5: Polynomial density estimation, sample of active politicians 2009-2014



Yet, the figure does not show the typical features of self-selection just across the threshold, either. Such self-selection would imply that, moving from left to right, the distribution would first unexpectedly fall before the threshold, and then jump up just after the threshold. Rather, on both sides of the cutoff the distribution is relatively smooth, but the density is generally higher to the right than to the left of the cutoff. This suggests that the irregularities we observe are simply driven by the already mentioned phenomenon that politicians who lose the elections are less likely to remain in politics, and thus to be represented in our set of active politicians over the whole period 2009-2014.

This is confirmed when looking at the distribution among all winners and runners-up in the 2009 Lok Sabha election, independently of whether they remained in politics or not. In this sample, neither of the above tests suggests any kind of self-sorting at the cutoff, and the distribution appears much more balanced (see Figure 6).

Figure 6: Polynomial density estimation, all winners and runners-up in the 2009 election



Hence, as expected, self-selection across the threshold is not a problem in our context. However, potentially, self-selection into the set of active politicians could pose a problem. As shown by Magalhães (2015), studies estimating the effect of incumbency on future electoral success obtain downward biased estimates if they simply discard all politicians that do not run for elections in the future. The reason is that running for office represents a necessary condition for being elected, and hence the effect that incumbency has on competing in future rounds must be taken into account when assessing the full consequences of incumbency for later electoral success.

Since our dependent variable is not (re-)election but the change in criminal charges, self-selection of incumbents into the set of active politicians does not automatically lead to bias. In our case, self-selection into the sample of active politicians will bias the results of the RD estimation (as well as the initial regression analysis) only if it is not just driven by incumbency, but differently so depending on criminal charges.

We can address this concern by explicitly modeling the selection into the sample based on a dataset that also includes those candidates who do not compete any more for the 2014 Lok Sabha election. Table 5 shows the results of the corresponding linear probability models. Regressions 1 and 2 are based on the full set of winners and runners-up in the 2009 Lok Sabha election (1021 observations) while Regressions 3 and 4 restrict the analysis to politicians in southern states and to close elections (104 observations). While the incumbency dummy is highly significant throughout as expected, the number of criminal charges (in 2009) and the interaction of this number with the incumbency dummy are not. Another variable that appears to be relevant in the full sample is the candidate's age: older candidates have a higher likelihood not to be candidates again in 2014 and thus, not to be included in our sample of active politicians. However, the result is not very robust. When looking at close elections in southern states (as we do in the RDD), the coefficient loses significance (and even has

the opposing sign). It thus appears that the greater representation of winners in our set of active politicians is primarily a natural consequence of political encouragement through electoral successes (or discouragement through electoral losses), but unrelated to criminal charges and hence not affecting the validity of our RD and regression estimates.

Table 5: Modelling sample selection

Dependent variable:				
Active politician from 2009-2014	1	2	3	4
Won election in 2009	0.425*** [0.000]	0.423*** [0.000]	0.488*** [0.000]	0.495*** [0.000]
Criminal charges 2009	0.010 [0.312]	0.009 [0.392]	-0.025 [0.131]	-0.013 [0.460]
Won election X Criminal charges	-0.003 [0.786]	-0.002 [0.830]	-0.001 [0.964]	-0.008 [0.790]
Candidate's age		-0.004*** [0.002]		0.007 [0.118]
Constant	0.310*** [0.000]	0.536*** [0.000]	0.299*** [0.000]	-0.082 [0.731]
Observations	1021	1021	104	104
R-squared	0.183	0.191	0.248	0.267
Sample	full sample	full sample	south, close elections	south, close elections

Notes: *** $p < 0.01$, ** $p < 0.05$, * $p < 0.1$ (robust p-values in brackets). Close elections refer to elections with a winning margin $\leq 5\%$.

In sum, none of the different robustness and validity tests presented in this section provides any reason to doubt the validity of our results. This confirms the existence of a systematic Teflon effect, and an underlying mechanism that goes beyond the power of the parties, and relates directly to the incumbency power of the winning MP, at least in the southern states of India.

4. Conclusion

Motivated by anecdotal evidence for a large number of countries, and existing ethnographic studies, especially for India, this paper provides an in-depth statistical analysis of the effect of political power on criminal charges. Based on data for close elections to the Indian national parliament in 2009, we show that indeed, political power systematically reduces the net number of charges—whether fabricated or real—that politicians cumulate during the period until the following elections. Hence, the Teflon effect of political power is not just a matter of exceptional cases, but a broad-based phenomenon. The effect works through (at least) two different channels—party power and incumbency power—that we identify in our econometric analysis.

More specifically, we find that candidates benefit from an affiliation with broad-based state or national parties, just as the comparative literature on the nationalization of electoral politics would predict. In addition the politicians' own power as elected MPs reduces the number of charges they receive relative to their unsuccessful competitors. This reveals a new type of incumbency advantage, relevant even in a country like India otherwise known for incumbency disadvantage.

The effect of incumbency power on criminal charges tends to be most relevant for those politicians that cannot count on the support of strong parties for this purpose. Correspondingly, the Teflon effect of incumbency power is particularly strong in southern India where parties tend to interfere less with the criminal charges of aligned politicians. In these states, elected MPs cumulate about two charges less than their close competitors. This is a substantial effect, especially when compared to the average net increase in charges of +0.2, and a median of 0 (no change).

These findings do not imply that the dramatic rise in criminal charges over the last decades should not be a matter of concern. However, it suggests that these charges are frequently reported for the wrong people: many criminals receive few or no charges, while innocent people are prosecuted. This is in itself a major problem since the politicization of the police has negative implications for the fight against criminality, and for democracy more broadly.

Beyond highlighting this flaw in the legal system, our results question the outcomes of some earlier studies using the data on criminal charges. For instance, in the light of our results, the question why Indians tend to elect criminal politicians should perhaps be phrased differently. Do Indians really systematically elect criminal politicians? While individual cases where people intentionally vote for criminal strongmen are well established in the literature, some of the supposed generalization of this phenomenon may simply be an artifact of the charges being wrong. In fact, voters' experience may be more reliable than charges listed in affidavits.

Furthermore, given the relationship between political power and the number of criminal charges, some of the existing work on the effect of criminal politicians on social and economic outcomes might need to be reexamined. Unless the effect of political power is fully taken into account in the statistical estimations, the supposedly negative effect of criminal politicians could be an artifact of their lack of power. At the same time, the substantial misspecification of criminality may lead to a bias in the opposite direction. Existing studies might thus also underestimate the real effects of criminal politicians on poverty and inequality.

References

ADR (2019a): Lok Sabha elections 2019: Analysis of criminal background, financial, education, gender and other details of winners, New Delhi: Association for Democratic Reforms, <https://adrindia.org/content/lok-sabha-elections-2019-analysis-criminal-background-financial-education-gender-and-other> (accessed 5 November 2019).

ADR (2019b): Lok Sabha elections 2019 Phase 1 to 7: Analysis of criminal background, financial, education, gender and other details of candidates, New Delhi: Association for Democratic Reforms, <https://adrindia.org/content/lok-sabha-elections-2019-phase-1-7-analysis-criminal-background-financial-education-gender> (accessed 5 November 2019).

- Aidt, Toke, Golden, Miriam A. and Tiwari, Devesh (2011): Incumbents and criminals in the Indian national legislature, mimeo, Cambridge: University of Cambridge.
- Araújo, Victor, Izumi, Maurício, Limongi, Fernando and Mignozzetti, Umberto (2019): Investment capacity and the electoral marketplace: Evidence from Brazil, paper presented at the 76th annual Midwest Political Science Association conference, 5-8 April 2018, Chicago (updated 18 November 2019), <https://osf.io/preprints/socarxiv/hcnzu/> (accessed 2 December 2019).
- Banerjee, Abhijit, Green, Donald P., McManus, Jeffery and Pande, Rohini (2014): Are poor voters indifferent to whether elected leaders are criminal or corrupt? A vignette experiment in rural India, in: *Political Communication* 31(3): 391-407.
- Berti, Daniela (2010): Hostile witnesses, judicial interactions and out-of-court narratives in a north Indian district court, in: *Contributions to Indian Sociology* 44(3): 235-263.
- Blasnik, Michael (2010): Reclink: Stata module to probabilistically match records, <https://EconPapers.repec.org/RePEc:boc:bocode:s456876> (accessed 11 November 2019).
- Bochsler, Daniel and Bernauer, Julian (2014): Strategic incentives in unconventional electoral systems, in: *Representation* 50: 1-12.
- Bochsler, Daniel, and Hänni, Miriam (2019): The three stages of the anti-incumbency vote: Retrospective economic voting in young and established democracies, in: *European Journal of Political Research* 58: 30–55.
- Brass, Paul R. (2006): *Forms of collective violence: Riots, pogroms, and genocide in modern India*, Gurgaon: Three Essays Collective.
- Brass, Paul R. (1997): *Theft of an idol: Text and context in the representation of collective violence*, Princeton: Princeton University Press.
- Caramani, Daniele (2015): *The Europeanization of politics: The formation of a European electorate and party system in historical perspective*, Cambridge: Cambridge University Press.
- Caramani, Daniele (2004): *The nationalization of politics: The formation of national electorates and party systems in Western Europe*, Cambridge: Cambridge University Press.
- Cattaneo, Matias D., Idrobo, Nicolás and Titiunik, Rocío (2019a): *A practical introduction to regression discontinuity designs: Foundations, Cambridge Elements: Quantitative and Computational Methods for Social Science*, Cambridge: Cambridge University Press.
- Cattaneo, Matias D., Jansson, Michael and Ma, Xinwei (2019b): Simple local polynomial density estimators, in: *Journal of the American Statistical Association*, forthcoming.
- Chakrabarti, Poulomi (2019): *One nation, many worlds: Varieties of developmental regimes in India*, PhD dissertation, Providence RI.: Brown University, <https://drive.google.com/file/d/11dxTp6tWjsZR44Snh5M8qinMAqm3jowz/view> (accessed 26 November 2019).
- Chandra, Kanchan (2004): *Why ethnic parties succeed: Patronage and ethnic headcounts in India*, Cambridge: Cambridge University Press.

Chandra, Kanchan (2013): Patronage, democracy, and ethnic politics in India, in: Abente, Diego, and Diamond, Larry (eds): Clientelism, social policy and the quality of democracy, Baltimore: Johns Hopkins Press: 135-172.

Chandra, Kanchan and Umaira, Wamiq (2011): India's democratic dynasties, https://india-seminar.com/2011/622/622_kanchan_&_wamiq.htm (accessed 12 November 2019).

Chemin, Matthieu (2012): Welfare effects of criminal politicians: A discontinuity-based approach, in: *Journal of Law and Economics* 55(3): 667-690.

Chhibber, Pradeep, Jensenius, Francesca R. and Suryanarayan, Pavithra (2014): Party organization and party proliferation in India, in: *Party Politics* 20(4): 489–505.

Chhibber, Pradeep and Kollmann, Ken (2004): The formation of national party systems: federalism and party competition in Canada, Great Britain, India and the United States, Princeton: Princeton University Press.

Chhokar, Jagdeep S. (2018): How some states are subverting the rule of law to drop criminal cases against politicians, <https://thewire.in/politics/states-subverting-rule-law-drop-criminal-cases-politicians> (accessed 12 November 2019).

Diwakar, Rekha (2010): Party aggregation in India: A state level analysis, in: *Party Politics* 16(4): 477-496.

ECI (2017): Election Symbols (Reservation and Allotment) Order, 1968 (as amended upto August, 2016), Document 18, Edition 1, <https://eci.gov.in/files/file/6930-election-symbols-reservation-and-allotment-order-2017> (accessed 30 November 2019).

ECI (2014a): List of Political Parties Participated. The 2014 Lok Sabha Elections. New Delhi: Election Commission of India, <https://eci.gov.in/files/file/2844-list-of-political-parties-participated/> (accessed 15 November 2019).

ECI (2014b): Constituency wise detailed result. New Delhi: Election Commission of India, <https://eci.gov.in/files/file/2785-constituency-wise-detailed-result/> (accessed 12 November 2019).

ECI (2014c): Online archive of the election affidavits of the Lok Sabha election 2014 candidates. New Delhi: Election Commission of India, <https://eci.gov.in/candidate-political-parties/link-to-candidate-affidavits/> and archived at <http://affidavitarchive.nic.in/> (accessed 12 November 2019).

ECI (2009a): General election 2009. New Delhi: Election Commission of India, <https://eci.gov.in/files/category/98-general-election-2009/> (accessed 10 November 2019).

ECI (2009b): Constituency wise detailed result. New Delhi: Election Commission of India, <https://eci.gov.in/files/file/2857-constituency-wise-detailed-result/> (accessed 12 November 2019).

ECI (2009c): Online archive of the election affidavits of the Lok Sabha election 2009 candidates. New Delhi: Election Commission of India, <https://eci.gov.in/candidate-political-parties/link-to-candidate-affidavits/> and archived at <http://affidavitarchive.nic.in/> (accessed 12 November 2019).

Eckert, Julia (2014): Preventive laws and the policing of the urban poor, in: Parry, Jonathan and Gooptu, Nandini (eds): Persistence of poverty in India, New Delhi: Ravindra Press: 291-313.

Emapsworld (2017): South India, <http://www.emapsworld.com/india-south-zone-map.html> (accessed 26 November 2019).

Gehring, Kai, Kauffeldt, Florian T. and Vadlamannati, Krishna C. (2019): Crime, incentives and political effort: Evidence from India, in: *European Journal of Political Economy* 59(C): 1-20.

George, Siddharth, Gupta, Sarika and Neggers, Yusuf (2018): Coordinating voters against criminal politicians: Evidence from a mobile experiment in India, mimeo, Cambridge (MA): Harvard University.

Government of India (2011): State of literacy, Census 2011 provisional reports. New Delhi: Office of the Registrar General & Census Commissioner, Ministry of Home Affairs, http://censusindia.gov.in/2011-prov-results/data_files/india/Final_PPT_2011_chapter6.pdf (accessed 17 November 2019).

HRW (2009): Broken System: Dysfunction, abuse, and impunity in the Indian police, New York: Human Rights Watch.

India Today (2017): Yogi Adityanath govt orders withdrawal of case against Yogi Adityanath, <https://www.indiatoday.in/india/story/yogi-adityanath-case-withdrawal-against-self-others-1116811-2017-12-27> (accessed 4 November 2019).

Indian Express (2018): Rajasthan government had withdrawn case against VHP leader Pravin Togadia 3 years ago, <https://www.newindianexpress.com/nation/2018/jan/18/rajasthan-government-had-withdrawn-case-against-vhp-leader-pravin-togadia-3-years-ago-minister-1757206.html> (accessed 17 August 2019).

Iyer, Lakshmi and Mani, Anandi (2012): Political change and bureaucratic turnover in India, in: *The Review of Economics and Statistics* 94(3): 723-739.

Jaffrelot, Christophe (2002): Indian democracy: The rule of law on trial, in: *India Review* 1(1): 77-121.

Klašnja, Marko (2015). Corruption and the incumbency disadvantage: theory and evidence, in: *Journal of Politics* 77(4): 928–942.

Klašnja, Marko and Titunik, Rocío (2017): The incumbency curse: weak parties, term limits, and unfulfilled accountability, in: *American Political Science Review* 111(1): 129–148.

Lublin, David (2017): Electoral systems, ethnic diversity and party systems in developing democracies, in: *Electoral Studies* 47: 84-93.

Magalhães, Leandro De (2015): Incumbency effects in a comparative perspective: Evidence from Brazilian mayoral elections, in: *Political Analysis* 23(1): 113–126.

Martin, Nicolas and Michelutti, Lucia (2017): Protection rackets and party machines: Comparative ethnographies of “Mafia Raj” in north India, in: *Asian Journal of Social Science* 45(6): 693-723.

McCrary, Justin (2008): Manipulation of the running variable in the regression discontinuity design: A density test, in: *Journal of Econometrics* 142(2): 698–714.

Nyhan, Brendan and Rehavi, M. Marit (2017): Tipping the scales? Testing for political influence on public corruption prosecutions, <http://nebula.wsimg.com/9ca37709d7e5ec701abd99f69027785f?AccessKeyId=D918162C50423F4D28CF&disposition=0&alloworigin=1> (accessed 20 October 2019).

- Panda, Sitakanta (2019): Political-economic determinants of electoral participation in India, in: *India Review* 18(2): 184-219.
- Panda, Sitakanta (2017): *Essays on empirical political economics*, PhD dissertation, New Delhi: Indian Institute of Technology Delhi.
- Poblete-Cazenave, Ruben (2019): *Crime and punishment: Do politicians in power receive special treatment in courts? Evidence from India*, mimeo, Department of Economics, London: University College London.
- Prakash, Nishith, Rockmore, Marc and Uppal, Yogesh (2019): Do criminally accused politicians affect economic outcomes? Evidence from India, in: *Journal of Development Economics* 141 (online first).
- Ramseyer, J. Mark and Rasmusen, Eric B. (2001): Why are Japanese judges so conservative in politically charged cases?, in: *American Political Science Review* 95(2):331-344.
- Raven, Bertram H. (2008): The bases of power and the power/interaction model of interpersonal influence, in: *Analyses of Social Issues and Public Policy* 8(1): 1—22.
- Rivera, Carlos Velasco (forthcoming): *Loyalty or incentives? How party alignment affects bureaucratic performance*, in: *Journal of Politics*, forthcoming.
- Spirig, Judith (2018): *Like cases alike or asylum lottery? Inconsistency in judicial decision making at the Swiss Federal Administrative Court*, Dissertation, Department of Political Science, Zurich: University of Zurich.
- Supreme Court of India (2003): *Judgement on writ petitions under Article 32 of the Constitution of India*, https://adrindia.org/sites/default/files/Supreme_Court's_judgement_13th_March_2003.pdf (accessed 11 November 2019).
- The Economic Times (2015): *Government withdraws over 1.50 lakh cases from courts in Madhya Pradesh*, <https://economictimes.indiatimes.com/news/politics-and-nation/government-withdraws-over-1-50-lakh-cases-from-courts-in-madhya-pradesh/articleshow/49088526.cms> (accessed 15 November 2019).
- Uppal, Yogesh (2009): The disadvantaged incumbents: Estimating incumbency effects in Indian state legislatures, in: *Public Choice* 138: 9–27.
- Vaishnav, Milan (2017): *When crime pays: Money and muscle in Indian politics*, New Haven: Yale University Press.
- Wade, Robert (1985): The market for public office: Why the Indian state is not better at development, in: *World Development* 13(4): 467-497.
- Wade, Robert (1982): The system of administrative and political corruption: Canal irrigation in South India, in: *Journal of Development Studies* 18(3): 287-328.

Appendix

Table A1: Variable description

Variable	Obs	Mean	Std. Dev.	Min	Max	Description	Source
<i>Sample of active politicians</i>							
Change in criminal charges	550	0.21	2.46	-19.00	21.00	Net increase in the number of criminal charges from 2009 to 2014 (new charges - dismissed charges)	ECI (2009c, 2014c)
Criminal charges 2009	550	1.10	3.35	0.00	46.00	Stock of charges before the 2009 election	ECI (2009c)
Won election in 2009	550	0.71	0.45	0.00	1.00	Candidate is elected MP in 2009 (incumbent during 2009-2014)	ECI (2009b)
Winning margin	550	4.84	12.06	-36.43	70.10	Difference in vote shares (%) between winner and runner-up (negative for runner-up) in the 2009 elections	ECI (2009b)
Alignment with CM's party in 2009	550	0.39	0.49	0.00	1.00	Candidate belongs to the state ruling party (or to the national ruling party if there is no chief minister like in some union territories or when the state is under President's rule) in 2009	Based on diverse ECI reports and state governments' websites (see also Chakrabarti 2019)
Affiliation to national or state party	550	0.94	0.24	0.00	1.00	Candidate belongs to a recognized national or state party (as opposed to unrecognized parties or independent candidates)	ECI (2014a)
BJP	550	0.22	0.41	0.00	1.00	Candidate runs with a BJP ticket in 2009	ECI (2009b,c)
INC	550	0.37	0.48	0.00	1.00	Candidate runs with a Congress Party ticket in 2009	ECI (2009b,c)
Dynastic politician	550	0.35	0.48	0.00	1.00	Candidate has a least one family member (up to the level of a direct cousin) in executive or legislative office, i.e., MP, MLA, MLC or minister	Panda (2017)
Candidate male	550	0.90	0.30	0.00	1.00	Candidate is a man	ECI (2009c, 2014c)
Candidate's age	550	52.15	10.50	26.00	88.00	Age of the candidate in 2009 (in years)	ECI (2009c)
SC/ST	550	0.26	0.44	0.00	1.00	Candidate belongs to scheduled castes or tribes	ECI (2009b,c)
Candidate's net wealth (million INR)	550	49.10	137.00	-66.30	1740.00	Candidate's assets – liabilities, in millions of INR	ECI (2009c, 2014c)

Table A1 (cont.)

Variable	Obs	Mean	Std. Dev.	Min	Max	Description	Source
State disposal rate	550	0.28	0.21	0.02	0.79	Cases disposed of by state courts as a share of new and pending cases (including cases under the Indian Penal Code (IPC) and under the Statutory and Local Laws (SLL)	NCRB (2009-14)
State illiteracy rate (in%)	545	25.95	7.22	6.09	36.18	Share of illiterate population in a state (in %)	Government of India (2011: 113)
Southern states	550	0.23	0.42	0.00	1.00	Indicator variable for Andhra Pradesh, Tamil Nadu, Kerala, Karnataka, Lakshadweep and Puducherry	e.g., Emapsworld (2017)
<i>Full sample of winners and runners up for MP positions in 2009</i>							
Active politician from 2009-2014	1021	0.54	0.50	0.00	1.00	Politician runs in 2009 and again in the 2014 election	ECI (2009b, 2014b)
Won election in 2009	1021	0.52	0.50	0.00	1.00	Candidate is elected MP in 2009 (incumbent during 2009-2014)	ECI (2009b)
Criminal charges 2009	1021	0.96	2.77	0.00	46.00	Stock of charges before the 2009 election	ECI (2009c)
Candidate's age	1021	53.17	10.77	26.00	88.00	Age of the candidate in 2009 (in years)	ECI (2009c)
Winning margin	1021	0.39	13.24	-70.10	70.10	Difference in vote shares (%) between winner and runner-up (negative for runner-up) in the 2009 elections	ECI (2009b)

Table A2: Simple regressions with potentially relevant political variables, varying sample restrictions

Dependent variable: Change in charges 2009-2014 Sample restricted to winning margin	1 ≤5%	2 ≤3%	3 ≤7%	4 ≤10%	5 Full sample
Won election in 2009	-0.59* [0.08]	-0.46 [0.34]	-0.51** [0.04]	-0.37* [0.06]	-0.29* [0.09]
Alignment with CM's party in 2009	0.11 [0.70]	0.28 [0.50]	0.16 [0.46]	0.13 [0.49]	0.02 [0.87]
Affiliation to national or state party	-1.47** [0.03]	-2.87*** [0.01]	-0.86* [0.07]	-0.51 [0.14]	-0.36 [0.23]
Dynastic politician	0.48 [0.15]	0.48 [0.30]	0.06 [0.82]	-0.10 [0.62]	-0.03 [0.85]
Candidate male	0.21 [0.47]	0.32 [0.42]	0.05 [0.83]	0.05 [0.77]	-0.06 [0.71]
Candidate's age	-0.01 [0.68]	-0.02 [0.46]	-0.00 [0.62]	-0.01 [0.40]	-0.00 [0.48]
SC/ST	0.01 [0.96]	-0.18 [0.63]	0.00 [0.98]	-0.01 [0.97]	0.16 [0.27]
Candidate's net wealth (million INR)	0.00 [0.75]	0.00 [0.54]	0.00 [0.65]	0.00 [0.48]	0.00** [0.05]
State disposal rate	-0.58 [0.35]	-0.57 [0.42]	-0.33 [0.41]	-0.15 [0.61]	-0.11 [0.59]
State illiteracy rate (in%)	0.01 [0.67]	0.04 [0.27]	0.03 [0.18]	0.04** [0.03]	0.05** [0.03]
Constant	1.91 [0.10]	3.21* [0.07]	0.87 [0.28]	0.09 [0.90]	-0.31 [0.70]
N	197	113	276	352	534
R-squared	0.11	0.23	0.08	0.07	0.07

Notes: Column 1 replicates the analysis of Table 2, Column 4. The other columns show the results of the same regression for different samples based on a variation in the requirement of 'close elections'. Robust standard errors clustered by constituency.

*** p<0.01, ** p<0.05, * p<0.1 (p-values in brackets).

Table A3: Simple regressions individually testing potentially relevant political variables

Dependent variable: Change in charges 2009-2014	1	2	3	4
Won election in 2009	-0.54*			
	[0.06]			
Alignment with CM's party in 2009		0.32		
Affiliation to national or state party		[0.45]		
Dynastic politician			-0.95*	
			[0.06]	
				-0.16
				[0.42]
Candidate male	0.18	0.37	0.08	0.10
	[0.56]	[0.38]	[0.70]	[0.60]
Candidate's age	-0.01	-0.01	-0.01	-0.01
	[0.44]	[0.63]	[0.55]	[0.44]
SC/ST	0.00	-0.19	-0.03	-0.02
	[0.99]	[0.54]	[0.89]	[0.91]
Candidate's net wealth (million INR)	0.00	0.00	0.00	0.00
	[0.51]	[0.56]	[0.35]	[0.26]
State disposal rate	-0.42	-0.12	0.01	0.05
	[0.32]	[0.82]	[0.97]	[0.82]
State illiteracy rate (in%)	0.05**	0.03	0.02	0.05**
	[0.03]	[0.29]	[0.23]	[0.01]
Constant	-0.22	-0.44	0.66	-0.85
	[0.79]	[0.72]	[0.42]	[0.11]
N	197	113	276	352
R-squared	0.07	0.11	0.05	0.05

Notes: This table replicates the analysis of Table 2 including the full set of controls and state fixed effects, but enters the explanatory variables on a one-by-one basis to assess potential issues of multicollinearity. (Note that results also hold for regressions without controls. The dynasty variable that appears almost significant here is then again fully insignificant.) Robust standard errors clustered by constituency. *** p<0.01, ** p<0.05, * p<0.1 (p-values in brackets).

Table A4: Heterogeneous treatment effects (incumbency X party affiliation), varying sample restrictions

Dependent variable: Change in charges 2009-2014 Sample restricted to winning margin	1 ≤5%	2 ≤3%	3 ≤7%	4 ≤10%	5 Full sample
Won election in 2009	-1.75 [0.12]	-3.91*** [0.00]	-1.56 [0.12]	-0.77 [0.24]	-0.35 [0.52]
Affiliation to national or state party	-2.00* [0.06]	-4.14*** [0.00]	-1.50 [0.12]	-0.72 [0.25]	-0.39 [0.42]
Won election X National or state party	1.21 [0.30]	3.62*** [0.00]	1.11 [0.27]	0.42 [0.53]	0.07 [0.90]
Alignment with CM's party in 2009	0.10 [0.73]	0.24 [0.56]	0.14 [0.50]	0.12 [0.51]	0.02 [0.88]
Dynastic politician	0.47 [0.17]	0.39 [0.40]	0.05 [0.83]	-0.11 [0.60]	-0.03 [0.85]
Candidate male	0.18 [0.53]	0.26 [0.50]	0.04 [0.85]	0.05 [0.78]	-0.06 [0.71]
Candidate's age	-0.00 [0.73]	-0.02 [0.45]	-0.00 [0.68]	-0.01 [0.42]	-0.00 [0.48]
SC/ST	0.07 [0.80]	-0.10 [0.78]	0.04 [0.85]	-0.00 [0.99]	0.16 [0.26]
Candidate's net wealth (in million INR)	0.00 [0.87]	0.00 [0.43]	0.00 [0.69]	0.00 [0.48]	0.00* [0.05]
State disposal rate 2009	-0.58 [0.35]	-0.54 [0.45]	-0.39 [0.30]	-0.15 [0.61]	-0.11 [0.59]
State illiteracy rate (in%)	0.02 [0.61]	0.04 [0.25]	0.03 [0.16]	0.05** [0.02]	0.05** [0.03]
Constant	2.31* [0.06]	4.37*** [0.01]	1.44 [0.18]	0.24 [0.78]	-0.29 [0.74]
Observations	197	113	276	352	534
R-squared	0.11	0.26	0.08	0.07	0.07

Notes: Column 1 replicates the analysis of Table 3, Column 3. The other columns show the results of the same regression for different samples based on a variation in the requirement of 'close elections'. Robust standard errors clustered by constituency.

*** p<0.01, ** p<0.05, * p<0.1 (p-values in brackets).

Table A5: Heterogeneous treatment effects (incumbency X region), varying sample restrictions

Dependent variable: Change in charges 2009-2014 Sample restricted to winning margin	1 ≤5%	2 ≤3%	3 ≤7%	4 ≤10%	5 Full sample
Won election in 2009	-0.91* [0.08]	-1.08 [0.17]	-1.05** [0.02]	-1.04** [0.01]	-1.07*** [0.00]
Non-southern state	-0.71 [0.31]	-1.85* [0.07]	-0.79 [0.13]	-0.95** [0.04]	-1.35*** [0.00]
Won election X Non-southern state	0.42 [0.47]	0.78 [0.38]	0.71 [0.13]	0.85** [0.05]	0.98*** [0.01]
Alignment with CM's party in 2009	0.14 [0.61]	0.30 [0.47]	0.22 [0.29]	0.20 [0.26]	0.10 [0.51]
Affiliation to national or state party	-1.42** [0.04]	-2.69** [0.02]	-0.84* [0.08]	-0.56 [0.10]	-0.42 [0.14]
Dynastic politician	0.47 [0.16]	0.49 [0.29]	0.05 [0.84]	-0.09 [0.66]	-0.03 [0.85]
Candidate male	0.27 [0.38]	0.43 [0.31]	0.09 [0.71]	0.07 [0.71]	-0.03 [0.86]
Candidate's age	-0.01 [0.64]	-0.02 [0.42]	-0.01 [0.55]	-0.01 [0.37]	-0.01 [0.40]
SC/ST	0.02 [0.93]	-0.18 [0.62]	0.01 [0.95]	0.01 [0.95]	0.17 [0.22]
Candidate's net wealth (in million INR)	0.00 [0.79]	0.00 [0.63]	0.00 [0.69]	0.00 [0.52]	0.00** [0.04]
State disposal rate 2009	-0.68 [0.30]	-0.88 [0.29]	-0.39 [0.35]	-0.21 [0.48]	-0.28 [0.17]
State illiteracy rate (in%)	-0.02 [0.57]	-0.07 [0.22]	0.01 [0.84]	0.01 [0.57]	-0.00 [0.89]
Constant	3.25* [0.07]	7.18** [0.02]	2.02* [0.10]	1.62 [0.10]	2.24** [0.01]
Observations	197	113	276	352	534
R-squared	0.11	0.24	0.08	0.08	0.09

Notes: Column 1 replicates the analysis of Table 3, Column 4. The other columns show the results of the same regression for different samples based on a variation in the requirement of 'close elections'. Robust standard errors clustered by constituency.

*** p<0.01, ** p<0.05, * p<0.1 (p-values in brackets).